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August 9, 2010

## **VIA ECF**

Hon. James Gwin  
United States District Judge  
Carl B. Stokes United States Court House  
801 West Superior Avenue  
Cleveland, Ohio 44113-1838

Re: *Serin et al, v. Northern Leasing et al*, S.D.N.Y. - Docket No. 7:06-CV-01625

Dear Judge Gwin:

Plaintiffs request that the deposition deadline of August 30 be extended by 60 days to October 30, and the trial currently scheduled for September 20 be correspondingly postponed to November 20, 2010.

Plaintiffs have been conducting discovery diligently. All of the Plaintiffs' depositions (except Kettler) have been completed. Defendants finally produced the emails on July 15, 2010, and the deposition of their custodian of records is scheduled for the 12th. Plaintiffs await Your Honor's ruling on the privilege issue with respect to non-party Sussman before taking his deposition.

It is clear that all the depositions cannot be completed by August 30. Plaintiffs need to have adequate opportunity to review Defendants' massive email-production of July 15, 2010, which comprises over 700,000 documents. Moreover, that could well lead to additional depositions of specific corporate employees or non-parties.

Further, Defendants have - just today - indicated that they would produce an additional 700 plus pages. They have represented that a CD with these documents would be arriving by Federal Express tomorrow. Obviously, we do not know what these documents are, but it is clear that Defendants' document production is still incomplete.

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In addition, I have some medical issues for which I am scheduled for surgery this Friday, August 13, 2010. Accordingly, Plaintiffs request that this request for extension be granted.

While on this, we note that we served the expert report on damages for one Plaintiff (Russ) on July 16, 2010, and three other Plaintiffs on August 6. The report for the the fifth - Lim, a flight attendant who has been traveling extensively - is expected to be provided shortly. Defendants have sought to reject the three reports on August 6, 2010, for alleged untimeliness. We request that Plaintiffs' time for expert reports be extended, and Defendants' objection be overruled. Thank you for Your Honor's attention.

Yours truly,

Sd/

Krishnan S. Chittur, Esq.

Cc: Moses & Singer, LLP (via ECF)